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SENATE

{ REPORT
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HAWAII VOLCANOES NATIONAL PARK ADJUSTMENT ACT OF 1999

JUNE 24, 1999.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural
Resources, submitted the following

REPORT

[To accompany S. 938]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 938) to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 938, as ordered reported, is to amend the enabling act for Hawaii Volcanoes National Park to authorize the Secretary of the Interior to purchase land for addition to the park. Currently, the National Park Service may only acquire property by donation.

BACKGROUND AND NEED

Hawaii Volcanoes National Park was established as part of Hawaii National Park on August 1, 1916. It was renamed on September 22, 1961 as Hawaii Volcanoes National Park. Boundary changes were made in 1922, 1928, 1938, 1940, 1961 and 1978. The park comprises of 209,695.38 acres of which 207,643.38 acres are Federally-owned. 123,000 acres were classified as wilderness in 1978. The park is located on the island of Hawai'i, 96 miles from Kailua-Kona and 30 miles from Hilo. The park receives about 2.5 million visitors each year.

The elevation of the park ranges from sea level to the summit of the earth's most massive volcano, Mauna Loa, at 13,677 feet.

Kilauea, the world's most active volcano, offers insights on the birth of the Hawaiian Islands and offers visitors views of dramatic volcanic landscape.

There are approximately 2,000 acres that are adjacent to the park that may be placed on the market. The enabling legislation for the park limits acquisition of lands to donations only.

LEGISLATIVE HISTORY

S. 938 was introduced by Senators Akaka and Inouye May 3, 1999. The Subcommittee on National Parks, Historic Preservation and Recreation held a hearing on S. 938 on May 25, 1999.

At its business meeting on June 16, 1999, the Committee on Energy and Natural Resources ordered S. 938, favorably reported, without amendment.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on June 16, 1999, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 938, without amendment.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the bill's short title as the "Hawaii Volcanoes National Park Adjustment Act of 1999".

Section 2 amends the June 20, 1938 Act (U.S.C. 391b) that added certain lands to Hawaii National Park. The section removes a provision that limited the Park Service to acquiring adjacent lands by donation only.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 938. The bill is not a regulatory measure in the sense of imposing Government-established standards of significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from enactment of S. 938, as ordered reported.

EXECUTIVE COMMUNICATIONS

On May 25, 1999, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth ex-

ecutive views on S. 938. These reports had not been received at the time the report on S. 938 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF KATHERINE STEVENSON, ASSOCIATE DIRECTOR, CULTURAL RESOURCE STEWARDSHIP AND PARTNERSHIPS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to present the position of the Department of the Interior on S. 938, a bill to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park.

The Department of the Interior strongly supports this bill.

The enabling legislation for Hawaii Volcanoes National Park allows the Secretary of the Interior to acquire lands contiguous to the park for the purpose of "rounding out the park." The act also says that the Secretary may purchase lands only with donated funds. S. 938 would amend the enabling act for Hawaii Volcanoes National Park by giving the Secretary the authority to purchase lands contiguous to the park with appropriated funds. This amendment is necessary because there are park-worthy lands contiguous to Hawaii Volcanoes National Park that realistically can be acquired only through appropriated funds.

For example, a private landowner has placed on the market a 2,000-acre parcel of land contiguous to the park's southern boundary. This land has wilderness quality and is located in an area that has been subject to various development proposals. In addition, a significant parcel of land in the upper region of Mauna Loa's southwest right zone and adjacent to the park's boundary might also be available for sale. This land contains major geographical features of this active volcano as well as quality alpine and sub-alpine plant communities containing endangered plant species that include the endemic Ka'u/Mauna Loa silver sword. This land also connects to segments of state-managed mesic Koa—Ohia forest, which is critical bird habitat. Other parcels of land contiguous to various parts of the park are similarly park-worthy, and could be brought into the park and protected from development by this bill.

It is important to note that this bill would not by itself make any land part of Hawaii Volcanoes National Park. Under the terms of the park's enabling act, land becomes part of the park only when title to the land is vested in the United States. This process would require, among other things, appropriations to purchase these lands, as well as valid property appraisals. Land acquisition would be subject to availability of funding for NPS priorities.

This concludes my testimony. I would be happy to answer any of your questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 938, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

(Public Law 75-680, as amended December 3, 1940, July 1, 1961, September 22, 1961, November 10, 1978, and November 12, 1998.)

* * * * *

15. Two hundred and twenty-five degrees and forty-six minutes three hundred and forty and six-tenths to the point of beginning and containing an area of five thousand seven hundred and thirty acres, more or less;

and, in addition, any lands adjacent or contiguous to the Hawaii National Park as hereby extended which, in the discretion of the Secretary of the Interior, are necessary for the proper rounding out of the boundaries of the [park: Provided, That the United States shall not purchase, by appropriation of public moneys, any land within the aforesaid area, but such lands shall be secured by the United States only by public and private donations, except for the land depicted on the map entitled NPS-PAC 1997HW, which may be purchased with donated or appropriated funds] *park. Land (including the land depicted on the map 'NPS-PAC 1997HW') may be acquired by the Secretary through donation, exchange, or purchase with donated or appropriated funds.*